

Chapter 13: Tribal Enforcement

Section 13.035: Revisiting Default Orders on Tribal Cases

This section explains how Tribal Liaisons handle issues on tribal cases that have inaccurate administrative default orders.

CONTENTS

Laws	RCW 74.20A.055(4)(d) good cause for late hearing WAC 388-14A-1020 defines "good cause" WAC 388-14A-3700 default – vacate WAC 388-14A-3500 request for late hearing - good cause CR 60 standards set for relief from judgment or order
Policy	On tribal cases with administrative default orders, 1. If a tribal process is available, proceed through Tribal Court or the tribal administrative process. 2. If a tribal process is not available, proceed through the DCS administrative process. Follow any existing state tribal <u>cooperative agreement</u> .
Procedure	Check with your Tribal Liaison or State Tribal Relations Unit
Visual Aids	<u>Tribal Relations</u> Internet site <u>Tribal Chart 1SEMS Web TI - Tribal Information</u>
Automated Actions	
SEMS Screens	<u>CC</u>, <u>OR</u>, <u>ES</u>
Forms Used	Tribal Court Pleading Forms, <u>09-275</u> , <u>09-392</u> , <u>09-838</u> , <u>09-277</u> , <u>09-277b</u> , <u>09-279</u>
Hearing and Conference Board Rights	Refer all requests to the Regional Tribal Liaison or Tribal Claims Officer.
See Also	<u>Chapter 7 - Hearing and Conference Board Rights</u> <u>Administrative Policy 3.04 - Claims Officers in Tribal Court</u>

PROCEDURES

A. How are tribal cases different regarding default administrative orders?

1. Tribal cases may have other definitions for good cause and may have other legal justifications for vacating a default order or finding good cause in a petition for late hearing.
2. Refer to your Tribal Liaison or the State Tribal Relations Unit for the process you should use when stipulating to good cause on petitions for late hearing or vacating a default order.
3. Process, procedure, and pleading forms may vary with each tribe.

B. What do Tribal Liaisons do when they have a tribal case that has an incorrect administrative default order?

1. The Tribal Liaison contacts the tribe, if necessary, to determine if a tribal process is available to obtain an accurate order.
2. The Tribal Liaison contacts the parties to explain the method(s) available to revisit the administrative notice or the Order of Default.

C. Is there always a tribal process available?

1. This differs from tribe to tribe.
 - a. If yes, work with the tribe to obtain an accurate order through Tribal Court or tribal administrative process.
 - b. If no, proceed through the DCS administrative process.

D. How do I proceed if a tribal process is available, but one of the parties does not want to use this forum?

1. The Regional Tribal Liaison or Tribal Claims Officer will work with the parties and the tribe to choose a forum.
2. State Tribal Relations Unit is also available as a resource when a party does not want to use the tribal process.